

Jodie Berger (SBN 124144)

jberger@wclp.org

Richard Rothschild (SBN 67356)

rrothschild@wclp.org

Robert Newman (SBN 86534)

rnewman@wclp.org

Antionette Dozier (SBN 244437)

adozier@wclp.org

WESTERN CENTER ON LAW & POVERTY

3701 Wilshire Blvd., Suite 208

Los Angeles, CA 90010

T: (213) 235-2617

F: (213) 487-0242

Lindsay Nako (SBN 239090)

lnako@impactfund.org

Fawn Rajbhandari-Korr (SBN 315888)

fkorr@impactfund.org

Meredith Dixon (SBN 346864)

mdixon@impactfund.org

IMPACT FUND

2080 Addison St., Suite 5

Berkeley, CA 94704

T: (510) 845-3473

F: (510) 845-3654

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ANIK A OKJE ERDMANN-BROWNING
and JACQUELINE BENITEZ, individually
and on behalf of all others similarly situated,

Plaintiffs,

v.

THOMAS J. VILSACK, Secretary, United
States Department of Agriculture, in his
official capacity; SHALANDA YOUNG,
Director of the United States Office of
Management and Budget, in her official
capacity.

Defendants.

Case No.: 3:23-cv-04678

**[PROPOSED] TEMPORARY
RESTRAINING ORDER AND ORDER
TO SHOW CAUSE RE
PRELIMINARY INJUNCTION**

CLASS ACTION

Hearing Date: September 13, 2023
Time: TBD

Action filed: September 12, 2023

[PROPOSED] TEMPORARY RESTRAINING ORDER

This matter comes before the Court on Plaintiffs' Ex Parte Application for a Temporary Restraining Order. Having carefully considered the Application and papers submitted, and having heard the arguments of counsel, and for good cause shown, it is hereby **ORDERED** that Plaintiff's Application is **GRANTED**.

IT IS HEREBY ORDERED THAT:

1. Defendant Thomas J. Vilsack, Secretary of the United States Department of Agriculture, continue SNAP operations by:
 - a. Instructing state SNAP agencies to submit benefit issuance files to EBT vendors as usual in the month of September 2023 for the timely disbursement of October 2023 SNAP benefits.
 - b. Informing state SNAP agencies that October SNAP issuances will use monies remaining in the Fiscal Year 2023 appropriation, contingency fund, or any other available funding source.
2. Defendant Shalanda Young, Director of the United States Office of Management and Budget, apportion all funds necessary to fund October 2023 SNAP benefits from the Fiscal Year 2023 appropriation, contingency fund, or any other available funding source.

IT IS SO ORDERED.

Dated: _____

 Judge
 United States District Court,
 Northern District of California

[PROPOSED] ORDER TO SHOW CAUSE

TO DEFENDANTS Thomas J. Vilsack, Secretary of the United States Department of Agriculture, and Shalanda Young, Director of the United States Office of Management and Budget:

YOU ARE HEREBY ORDERED TO SHOW CAUSE at 10:00 am on September 13, 2023, or as soon thereafter as counsel may be heard in the courtroom of the Honorable _____, located at (address), why you, your agents, employees, and attorneys and those in active concert or participation with you or them, should not be restrained and enjoined pending trial of this action in the manner below.

PENDING HEARING on the above Order to Show Cause, you, your officers, agents, employees, attorneys, and all those in active concert or participation with you or them **ARE HEREBY ORDERED THAT:**

1. Defendant Thomas J. Vilsack, Secretary of the United States Department of Agriculture, continue SNAP operations by:
 - a. Permitting state SNAP agencies to submit benefit issuance files to EBT vendors as usual in the month of September 2023 for the timely disbursement of October 2023 SNAP benefits.
 - b. Reimbursing states for October SNAP issuances as usual, using the monies remaining in the Fiscal Year 2023 appropriation, contingency fund, or any other available funding source.
2. Defendant Shalanda Young, Director of the United States Office of Management and Budget, apportion all funds necessary to fund October 2023 SNAP benefits from the Fiscal Year 2023 appropriation, contingency fund, or any other available funding source.

The above Temporary Restraining Order is effective on Plaintiff's filing an undertaking in the sum of \$_____. This Order to Show Cause and supporting papers must be served on Defendant(s) no later than _____ days before the date set for hearing, and proof of

1 service shall be filed no later than _____ court days before the hearing. Any response or
2 opposition to this Order to Show Cause must be filed and personally served on Plaintiff's counsel
3 no later than _____ court days before the date set for hearing, and proof of service shall be filed
4 no later than _____ court days before the hearing.
5

6 **IT IS SO ORDERED.**
7

8 Dated: _____
9

Judge
United States District Court,
Northern District of California
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28